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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-14893-2023
Date of Decision: 03.08.2023

Maninder Singh Bajwa and others

..... Petitioners

Versus

State of Haryana

..... Respondent

CRM-M-17401-2023

Om Parkash and others

..... Petitioners

Versus

State of Haryana

..... Respondent

CRM-M-18983-2023

Pawan Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Prince Singh, Advocate for
Mr. Gaurav Datta, Advocate,
for the petitioners in all the cases.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Rajeev Godara, Advocate &
Mr. D.S. Virk, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. These petitions have been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners and the same are being taken up together for final disposal with the consent of the learned counsel for the petitioners, since these petitions arise out of the same FIR

bearing No.663 dated 22.08.2022, under Sections 147, 148, 149, 285, 323, 325, 307, 341, 427, 379, 506 & 120-B IPC and Section 25 of the Arms Act, registered at Police Station City Sirsa, District Sirsa.

2. Learned counsel appearing on behalf of the petitioners in CRM-M-14893-2023 and CRM-M-17401-2023 has submitted that it is a case where earlier the petitioners were granted regular bail and thereafter the offence under Section 307 of the IPC was added. He further submitted that thereafter the petitioners have filed the petition for grant of anticipatory bail and submitted that once the bail was granted and the offence was added or enhanced then a necessary application ought to have been filed before the learned Court for seeking permission in accordance with judgment of Hon'ble Supreme Court in "*Pardeep Ram Vs. State of Jharkhand*" 2019(3) RCR (Criminal) 538, which was not done in the present case. He further submitted that even otherwise also in pursuance of the orders passed by a Co-ordinate Bench of this Court in CRM-M-14893-2023 on 23.03.2023 and in CRM-M-17401-2023 on 12.04.2023, the petitioners have joined the investigation and they have fully co-operated with the investigation process and therefore, interim anticipatory bail granted to them may be made absolute.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned Deputy Advocate General, Haryana has submitted on instructions from ASI Hanuman that it is correct that the petitioners have joined investigation and they have cooperated with the investigation process. He further submitted that he has instructions to state that no recovery is to be effected from the petitioners and they are not required for custodial interrogation. So far as the submission made by the learned counsel for the petitioners that no application was moved by the

prosecution for cancellation of bail is concerned, he stated that the police had not filed any application before any Court for cancellation of bail and it was only after the addition of offence under Section 307 IPC that now the petitioners are apprehending their arrest.

4. Learned counsel appearing on behalf of the petitioner in CRM-M-18983-2023 has submitted that the petitioner, namely, Pawan Kumar was not granted regular bail earlier but now he has filed first petition for grant of anticipatory bail and submitted that in pursuance of order dated 19.04.2023, he has already joined the investigation and has fully co-operated with the investigation process. He further submitted that even otherwise also so far as the role of the petitioner is concerned, his role was only with regard to having a conspiracy with the other co-accused and instigating them to commit an offence and it is not the case of the prosecution that the petitioner was even present at the spot. He also submitted that be that as it may, once the petitioner has already joined the investigation, therefore, his interim bail may be made absolute.

5. On the other hand, Mr. Naveen Kumar Sheoran, learned Deputy Advocate General, Haryana has submitted that so far as the petitioner, namely, Pawan Kumar is concerned, he was not present on the spot but he was the main accused because at his instance the other co-accused had beaten up the injured. He further submitted that so far as the joining of the investigation of the petitioner is concerned, he submitted that in pursuance of the orders passed by this Court, the petitioner, namely, Pawan Kumar has joined the investigation and has co-operated with the investigation process and he is not required for custodial interrogation.

6. Mr. Rajeev Godara, Advocate and Mr. D.S. Virk, Advocate have appeared on behalf of the complainant and submitted that the nature of injuries which have been given to the injured would show that the matter was involving high magnitude and considering the gravity of the injuries sustained by the injured, the petitioners do not deserve the concession of bail. They further submitted that the other two co-accused, namely, Ishan Singh and Prabhjot had earlier filed a petition for grant of anticipatory bail which was dismissed by this Court and thereafter, they were taken into custody for which they have filed a separate petition for grant of regular bail.

7. I have heard the learned counsel for the parties.

8. All the petitioners are stated to have joined investigation and as per the learned State counsel, they have co-operated with the investigation process and they are not required for custodial interrogation. So far as the petitioner, namely, Pawan Kumar in CRM-M-18983-2023 is concerned, he was not present on the spot and he was involved in the present case only because of conspiracy. This Court is of the view that once the petitioners have already joined investigation and they are fully cooperating with the investigation process and are not required for custodial interrogation, all these petitions deserves to be allowed.

9. Consequently, these petitions are allowed and the interim bail earlier granted to the petitioners by way of separate orders passed by this Court in CRM-M-14893-2023 on 23.03.2023, in CRM-M-17401-2023 on 12.04.2023 and in CRM-M-18983-2023 on 19.04.2023 are hereby made absolute.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose

of decision of present petition.

03.08.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No